

**SUPREME COURT MINUTES
THURSDAY, FEBRUARY 23, 2006
SAN FRANCISCO, CALIFORNIA**

412

S123203

B152948 Second Appellate District,
Division Four

RUSHEEN v. COHEN

Opinion filed: Judgment reversed

and remanded to that court. Opinion by Chin, J.

Joined by George, C. J., Kennard, Baxter,
Werdegar, Moreno, JJS, and Flier, J.*

* Hon. Madeleine I. Flier, Associate Justice,
Second Appellate District, Division Eight.
[Court of Appeal Judgment]

S139672

B177852 Second Appellate District,
B180696 Division Three

ARCHBISHOP OF LOS ANGELES v. S.C.
(PEOPLE)

Time extended to grant or deny review

to March 16, 2006.

S139778

F046973 Fifth Appellate District

PEOPLE v. LANE

Time extended to grant or deny review

to April 10, 2006.

S139894

B176767 Second Appellate District,
Division Five

PEOPLE v. HIGUERA

Time extended to grant or deny review

to March 27, 2006.

S139896

C050862 Third Appellate District

GRISSE (JAMES) ON H.C.

Time extended to grant or deny review

to April 4, 2006, or the date upon which review
is either granted or denied.

S139966

B170505 Second Appellate District,
Division Six

PEOPLE v. WEYAND

Time extended to grant or deny review

to April 3, 2006, or the date upon which review
is either granted or denied.

S140079

SHORT (DARRELL) ON H.C.

C051417 Third Appellate District

Time extended to grant or deny review

to April 6, 2006.

S140102

H029230 Sixth Appellate District

LANGHORNE (WILLIAM BRYON) ON H.C.

Time extended to grant or deny review

to April 5, 2006.

S140134

G033482 Fourth Appellate District,
Division Three

PEOPLE v. GARCIA

Time extended to grant or deny review

to April 6, 2006.

S140135

B166366 Second Appellate District,
Division Eight

PEOPLE v. RUIZ

Time extended to grant or deny review

to April 6, 2006.

S140137

A110226 First Appellate District,
Division Three

RHOADES (ROBERT B.) ON H.C.

Time extended to grant or deny review

to April 6, 2006, or the date upon which review
is either granted or denied.

S140147

B174475 Second Appellate District,
Division One

PEOPLE v. LOZANO

Time extended to grant or deny review

to April 7, 2006, or the date upon which review
is either granted or denied.

S140172

A105905 First Appellate District,
Division Four

PEOPLE v. TU

Time extended to grant or deny review

to April 6, 2006.

S140202

H026381 Sixth Appellate District

PEOPLE v. GENTRY

Time extended to grant or deny review

to April 7, 2006.

S140208

E033768 Fourth Appellate District,
Division Two

PEOPLE v. MCLEOD

Time extended to grant or deny review

to April 10, 2006.

S140226

C046986 Third Appellate District

PEOPLE v. MILOSLAVICH

Time extended to grant or deny review

to April 13, 2006, or the date upon which review
is either granted or denied.

S140233

B177188 Second Appellate District,
Division Seven

ARCHO v. CALIFORNIA FAIR PLAN
INSURANCE COMPANY

Time extended to grant or deny review

to April 7, 2006.

S140244

B175110 Second Appellate District,
Division Two

PEOPLE v. SAMUELS

Time extended to grant or deny review

to April 7, 2006.

S140279

C048707 Third Appellate District

PEOPLE v. HARRISSON

Time extended to grant or deny review

to April 7, 2006.

S140282

A104517 First Appellate District,
Division Two

PEOPLE v. STROUD

Time extended to grant or deny review

to April 7, 2006.

S140283

B180650 Second Appellate District,
Division Four

CLARK (LAMOND D.) ON H.C.

Time extended to grant or deny review

to April 10, 2006.

S140293

F044757 Fifth Appellate District

PEOPLE v. URBINA

Time extended to grant or deny review

to April 10, 2006.

S140294

C048551 Third Appellate District

PEOPLE v. BENHAM

Time extended to grant or deny review

to April 10, 2006.

S140309E038206 Fourth Appellate District,
Division Two

GAINES (THURMAN) ON H.C.

Time extended to grant or deny review

to April 11, 2006.

S140326

C043361 Third Appellate District

PEOPLE v. DICKEY-O'BRIEN

Time extended to grant or deny review

to April 12, 2006, or the date upon which review
is either granted or denied.**S140339**B170479 Second Appellate District,
Division Four

PEOPLE v. LEON

Time extended to grant or deny review

to April 12, 2006.

S140366

C046420 Third Appellate District

PEOPLE v. BALDACCHINO

Time extended to grant or deny review

to April 11, 2006, or the date upon which review
is either granted or denied.**S140367**B177196 Second Appellate District,
Division Five

PEOPLE v. RINGO

Time extended to grant or deny review

to April 13, 2006, or the date upon which review
is either granted or denied.

S140385

C051391 Third Appellate District

LEDBETTER ON H.C.

Time extended to grant or deny review

to April 13, 2006.

S140388E0355095 Fourth Appellate District,
Division TwoCITY OF BARSTOW v. CITY OF
ADELANTO

Time extended to grant or deny review

April 13, 2006.

S140454E036574 Fourth Appellate District,
Division Two

PEOPLE v. MENDEZ

Time extended to grant or deny review

to April 13, 2006.

S044693

PEOPLE v. WALL (RANDALL C.)

Extension of time granted

Appellant's request for relief from default for failure to file appellant's opening brief or a timely motion for extension of time is granted. Good cause appearing, and based upon counsel Darlene Ricker's representation that she anticipates filing the appellant's opening brief by April 3, 2006, counsel's request for an extension of time in which to file that brief is granted to April 3, 2006.

S048337

PEOPLE v. THOMAS (REGIS)

Extension of time granted

to April 24, 2006, to file the appellant's reply brief. After that date, only five further extensions totaling about 250 additional days will be granted. Extension is granted based upon Assistant State Public Defender Jay Colangelo's representation that he anticipates filing that brief by January 1, 2007.

S051451

PEOPLE v. VALENCIA (ALFREDO)

Extension of time granted

to April 3, 2006, to file the respondent's brief. After that date, no further extension will be granted. Extension is granted based upon Deputy Attorney General Brad A. Weinreb's representation that he anticipates filing that brief by April 3, 2006.

S056997

PEOPLE v. WHISENHUNT (MICHAEL M.)

Extension of time granted

to March 23, 2006, to file the appellant's opening brief. After that date, no further extension will be granted. Extension is granted based upon Assistant State Public Defender Jay Colangelo's representation that he anticipates filing that brief by March 23, 2006.

S066527

PEOPLE v. LINDBERG (GUNNER J.)

Extension of time granted

to April 18, 2006, to file the appellant's reply brief. After that date, only one further extension totaling about 60 additional days is contemplated. Extension is granted based upon Deputy State Public Defender Ronald Turner's representation that he anticipates filing that brief by June 19, 2006.

S076999

PEOPLE v. SOUZA (MATTHEW A.)

Extension of time granted

to March 13, 2006, to file the respondent's brief. After that date, no further extension will be granted. Extension is granted based upon Deputy Attorney General William M. Kuimelis's representation that he anticipates filing that brief by March 13, 2006.

S128880MILES (GUY D.) ON H.C.
Extension of time granted

Respondent's time to serve and file the informal response to the petition for writ of habeas corpus is extended to and including March 23, 2006.

S133439BURNEY (SHAUN) ON H.C.
Extension of time granted

Extension is granted based upon counsel Geraldine S. Russell's representation that she anticipates filing that document by December 22, 2006, counsel's request for an extension of time is granted to May 1, 2006, to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only four further extensions totaling about 260 additional days will be granted.

S136154B173281 Second Appellate District,
Division FiveANGELUCCI v. CENTURY SUPPER CLUB
Extension of time granted

to April 5, 2006, to file appellant's reply brief.

S139609A105164 First Appellate District,
Division FivePEOPLE v. PITTO
Counsel appointment order filed

Dennis Riordan for appellant, Michael Christopher Pitto. Appellant's brief on the merits due on or before 30 days from the date respondent's opening brief on the merits is filed.

S140308A107219 First Appellate District
A108346 Division OneMURPHY v. KENNETH COLE
PRODUCTIONS
Order filed

The order filed on February 22, 2006, is hereby amended to read, in its entirety: "Request for judicial notice granted. Petition for review granted. The parties re directed to brief and argue the following issues: (1) Is a claim under Labor Code § 226.7 for the required payment of 'one additional hour of pay at the employee's regular rate of compensation' for each day that

an employee fails to provide mandatory meal or rest periods to an employee governed by the three-year statute of limitations for a claim for compensation (Code Civ. Proc., § 338) or the one-year statute of limitations for a claim for payment of a penalty (Code Civ. Proc., § 340)? (2) When an employee obtains an award on such a wage claim in administrative proceedings and the employer seeks de novo review in superior court, can the employee pursue additional wage claims not presented in the administrative proceedings?”

S139641**MIRELES ON DISCIPLINE**

Recommended discipline imposed

It is ordered that PATRICIA MIRELES, State Bar No. 171342, be suspended from the practice of law for 18 months, that execution of suspension be stayed, and that she be placed on probation for two years on condition that she be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed October 25, 2005. If respondent remains actually suspended for two years or more, she must remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of her actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-fourth of said costs must be added to and become part of the membership fees for the years 2007, 2008, 2009, and 2010 in accordance with Business and Professions Code § 6086.10.

S139643**HARTWELL ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that LESLIE LAYTON HARTWELL, State Bar No. 66139, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Leslie Layton Hartwell is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S139644

CHAPNIK ON DISCIPLINE

Recommended discipline imposed

It is ordered that MICHAEL CHAPNIK, State Bar No. 202659, be actually suspended from the practice of law for 30 days and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct; and until he demonstrates that he has undergone a meaningful and sustained period of rehabilitation from his chemical dependency; and until he provides proof that he has attended the State Bar Ethics School, and taken and passed the Ethics School test; and until he has taken and passed the Multistate Professional Responsibility Examination. Respondent is further ordered to comply with the other conditions recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on October 18, 2005. It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10 and payable in accordance with Business and Professions Code § 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S139645**BUFFINGTON ON DISCIPLINE**

Recommended discipline imposed

It is ordered that KATHRYN R. BUFFINGTON, State Bar No. 82565, be suspended from the practice of law for two years, that execution of suspension be stayed, and that she be placed on probation for four years on condition that she be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed October 28, 2005, as modified by its order filed November 22, 2005. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2007 and 2008. (Bus. & Prof. Code, § 6086.10.)